

Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

Edmund Sr. DOD: 12/13/2006	EDMUND V. NOLTE, JR. , son and Trust Beneficiary, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
Rosetta DOD: 5/7/2009	Petitioner states:		
	<ul style="list-style-type: none"> MARJORIE A. NOLTE is the duly appointed and acting Trustee of the NOLTE FAMILY TRUST dated 5/20/1999; The Trust that is the subject of this <i>Petition</i> was created pursuant to a written Declaration of Trust subsequently modified and restated pursuant to a document entitled "Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust" of EDMUND V. NOLTE, SR., and ROSETTA M. NOLTE, deceased (<i>copy attached as Exhibit A</i>); As set forth in the Trust, upon the death of the surviving Trustor, Rosetta, the Trustee was directed to distribute the assets of the Trust instrument in equal shares to ERNEST RICHARD NOLTE, son, and the Petitioner; The Trustee has violated the duty owed to Petitioner as beneficiary in that she has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner; Marjorie A. Nolte, as Trustee, has failed and refused to provide an account of the Trust at any time; On 1/17/2013, Petitioner, through his counsel, delivered to the Trustee a written request for an accounting of her acts as Trustee (<i>copy of request attached as Exhibit B</i>); the Trustee has failed to provide the requested account. 		<p>Page 1B is Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents.</p> <p>Page 1C is the Status Hearing.</p> <p>Continued from 11/22/2013 [Judge Hamilton]. Minute Order states Mr. Emerzian is appearing via CourtCall. Matter continued to 1/24/2014 for the Court's ruling on [Page 1B, Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses.]</p> <p>Note for background: Minute Order dated 6/20/2013 states Mr. Noyes requests the matter be set for trial. Matter is set for Court Trial on 3/11/2014 with a three-day estimate.</p>
Cont. from 051513, 052013, 062013, 112213			
Aff.Sub.W.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notc of Hrg	Non-jud. council		
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objection			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Post			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
~Please see additional page~			
			Reviewed by: LEG
			Reviewed on: 1/23/14
			Updates:
			Recommendation:
			File 1A – Nolte

Petitioner prays for an Order:

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as *Exhibit C*); *Exhibit C, First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	\$850,000.00
Beginning POH	-	\$850,000.00
Ending POH	-	\$ 0.00*

***Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided ½ interest as tenants in common, Appraised value -- **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as *Exhibit D*).

Respondent prays for an Order:

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as *Exhibit C*; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013 states:

- At the 5/20/2013 hearing on the *Petition for Recovery of Trust Property and Account*, and in response to the question of the Court, Mr. Noyes advised the Court that he wished to proceed with discovery in this matter; to set a mandatory settlement conference; and to have the matter set for trial; Mr. Sullivan advised the Court that Mr. Noyes had represented that he had specific information concerning various accounts of the Trust, but that he had declined to provide them to Mr. Sullivan; the Court ordered that a status conference be set on 6/20/2013; that no discovery proceed until after the status conference; and that Mr. Noyes should provide to Mr. Sullivan the information in his possession concerning accounts held in the name of the Trust;
- On 5/23/2013, Mr. Noyes provided to Mr. Sullivan 112 pages of documents consisting of current and previous estate planning documents of Edmund V. Nolte, Sr., and Rosetta M. Nolte; the only documents delivered which referred to Trust account information at issue were [9 specific pages, copies attached as *Exhibits A, B and C*];

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- Respondent and her attorney have reviewed the foregoing information and other account information in the possession of the Respondent, and report to the Court as follows:
 1. Exhibits A and B disclose 3 Mid-State Bank [*located in Cambria*] accounts [*numbers omitted*] standing in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte in May of 1999, the month in which the Trust was originally established;
 2. Exhibit C makes reference to 2 Mid-State Bank accounts [*numbers omitted*] standing in the name of the Trust in March of 2005;
- Respondent was not involved with the Trust in 1999, as she did not become Trustee of the Nolte Family Trust until 11/7/2005, and accordingly, she has no specific knowledge of the disposition of the 3 accounts referenced in Exhibits A and B; however, it appears that the 2006 checking and savings accounts referenced in Exhibit C were merely renumbering of the 1999 accounts referred to in Exhibits A and B in order to reflect the retitling of those accounts in the name of the Nolte Family Trust; the Respondent has no knowledge as to the disposition of the 1999 Certificate of Deposit [*number omitted*];
- At the time the Trust was amended and restated in its entirety on 11/7/2005, the Trust's Mid-State Bank checking and savings accounts continued in existence; both of these accounts were actively used by Edmund V. Nolte, Sr., and Rosetta M. Nolte as Trustees of the Nolte Family Trust from the establishment of the Trust in 1999 until 11/7/2005 when Mr. and Mrs. Nolte restated the Trust, resigned as Co-Trustees and appointed Respondent as Trustee of the Trust;
- Prior to amending and restating the Trust and resigning as Trustee, Mr. and Mrs. Nolte established a joint bank account at Union Bank, not in the name of the Trust but in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE** ("Joint Tenancy Account"); after 2005, the Joint Tenancy Account was the primary account used for the payment of Mr. and Mrs. Nolte's bills and living expenses;
- The Mid-State Bank checking account remained in existence until 5/4/2006, on which date the Respondent instructed Mid-State Bank to close the account by fax transmittal dated 5/4/2006 (*copy attached as Exhibit D*); bank statement for that account dated 5/5/2006 (*copy attached as Exhibit E*), indicates a balance of **\$17.78**, and after applying an account closing charge of **\$2.83**, the bank issued a check for **\$14.95**, thereby closing the account; Respondent has no recollection of the disposition of the **\$14.95** check;
- The Mid-State Bank savings account remained in existence until March of 2008, and the 3/31/2008 statement for the account (*copy attached as Exhibit F*) indicates a closing balance of **\$1,312.91**, and this is the last statement for this account in the Respondent's possession; on 5/6/2009, this account was closed by issuance of a cashier's check for **\$1,314.19** (*copy attached as Exhibit G*), which was deposited into the Joint Tenancy Account on 5/6/2009 by Respondent because this was the account used for the care and benefit of Mr. and Mrs. Nolte during their lifetimes; however, Respondent now realizes the check should not have been deposited into the Joint Tenancy Account in 2009 for the reason that both Mr. and Mrs. Nolte were then deceased, and the beneficiaries of the Trust were not the beneficiaries of the Joint Tenancy Account; had the funds been held in a trust account, they would nevertheless have not been available for distribution to the beneficiaries of the Trust, for the reason that the expenses of administration of the Trust, including preparation of the Trustee's accounting, far exceeded the **\$1,314.19** amount of funds in question;

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- To the best of Respondent's knowledge, the bank accounts referred to in this *Status Report* are the **ONLY** *[emphasis in original]* accounts in which Edmund V. Nolte, Sr., and Rosetta M. Nolte ever held any interest, either individually or through the Trust; the Mid-State Bank accounts referred to in *Exhibit C* are the only bank accounts which ever came into the Trustee's possession and control;
- Accordingly, as fully set forth in Respondent's Reply filed 5/13/2013, the only remaining asset of the Trust on the date of Rosetta M. Nolte's death on 5/7/2009 was the Cambria Residence, which was distributed to the beneficiaries of the Trust on 9/2/2010, by reason of which there are no remaining assets in the Trust.

Respondent requests the Court grant the relief set forth in her Reply by entering an Order as follows:

1. Denying any and all relief sought in the Petition;
2. Allowing and approving the account of the Trustee filed 5/13/2013; and
3. Determining that upon distribution of the Cambria Residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petitioner's Notice of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an award of Monetary Sanctions

Edmund Sr. DOD: 12/13/2006	<p>EDMUND V. NOLTE, JR., son and Trust Beneficiary, is Movant.</p> <p>Movant moves the Court for an order compelling Respondent MARJORIE A. NOLTE, Trustee, to provide further responsive documents pursuant to Code of Civil Procedure § 2031.310; <i>Motion</i> is made on the grounds that the discovery sought is relevant to the subject matter of the action, is reasonably calculated to lead to the discovery of admissible evidence, and is relevant to assist Movant in evaluating his case, preparing for trial, and evaluating settlement.</p> <p>Movant states Respondent has refused to meet her statutory obligations relative to Movant's request for Production of Documents No.'s 1 – 32 by including irrelevant objections, failing to provide complete responses, and failing to produce all responsive documents.</p> <p>Movant also seeks a monetary sanction pursuant to Code of Civil Procedure §§ 2013.310(h), 2023.101, and 2023.030(a), and CA Rule of Court 3.1348 against Respondent and her attorneys of record, in the amount of \$1,560.00, representative of the reasonable amount of expenses and attorney's fees incurred by Petitioner in connection with making this motion.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 11/22/2013</u> [Judge Hamilton]. Minute Order states Mr. Emerzian is appearing via CourtCall. Matter continued to 1/24/2014 for the Court's ruling.</p>	
Rosetta DOD: 5/7/2009			
Cont. from 102913, 112213			
Aff.Sub.Wit.			
Verified			N/A
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
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Duties/Supp			
Objections			
Video Receipt			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/23/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B – Nolte</p>	

Edmund Noltes' Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents filed 9/25/2013, continued:

Motion is based on the following:

- The **Notice of Motion**;
- **Memorandum of Points and Authorities in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- **Declaration of Christopher B. Noyes in Support of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- **Separate Statement in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1** filed 9/25/2013;
- **Petitioner's Request for Judicial Notice in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- The Court's record and files in this action; and
- Upon such other materials as may be presented prior to the Court's ruling on this Motion.

Trustee Marjorie A. Nolte's Separate Statement in Response to Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 was filed 10/17/2013.

Declaration of David L. Emerzian in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Request for Judicial Notice in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Memorandum of Points and Authorities in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Reply [of Edmund V. Nolte, Jr.] in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/22/2013.

Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Status Hearing

Edmund Sr. DOD: 12/13/2006	<p>EDMUND V. NOLTE, JR., son and Trust Beneficiary, filed a <i>Petition for Recovery of Trust Property and Account</i> on 3/29/2013.</p> <p>MARJORIE A. NOLTE, Trustee of the NOLTE FAMILY TRUST dated 5/20/1999, filed a <i>Trustee's Reply to Petition for Recovery of Trust Property and Account</i> on 5/13/2013.</p> <p>Minute Order dated 6/20/2013 from the hearing on the <i>Petition for Recovery</i> states Mr. Noyes requests the matter be set for trial. Matter is set for Court Trial on 3/11/2014 with a three-day estimate. The Court sets a status hearing for 11/22/2013 and directs both counsel to file their status reports by 11/15/2013. Counsel is advised that the scheduling of a settlement conference will be addressed at the 11/22/2013 hearing.</p> <p>EDMUND V. NOLTE, JR., filed a <i>Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an award of Monetary Sanctions</i> on 9/25/2013.</p> <p>MARJORIE A. NOLTE filed a <i>Separate Statement in Response to Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1</i> on 10/17/2013.</p> <p>Minute Order dated 10/29/2013 from the hearing on the <i>Motion for Order Compelling Responses</i> continued the matter to 11/22/2013.</p> <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 11/22/2013</u> [Judge Hamilton]. Minute Order states Mr. Emerzian is appearing via CourtCall. Matter continued to 1/24/2014 for the Court's ruling on [Page 1B, <i>Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses.</i>]</p>	
Rosetta DOD: 5/7/2009			
Cont. from 112213			
Aff.Sub.Wit.			
Verified			X
Inventory			
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Not.Cred.			
Notice of Hrg			
✓ Aff.Mail			W /
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Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 1/23/14
Updates:
Recommendation:
File 1C – Nolte

Petitioner EDMUND V. NOLTE, JR.'S Status Report filed by Attorney Christopher Noyes on 11/14/2013 states:

- On 5/22/2013, Petitioner voluntarily produced 122 documents in his possession to Respondent;
- On 6/4/2013, Petitioner served a *Request for Production of Documents, Set No. One* to Respondent;
- On 8/9/2013, Respondent served her responses to Petitioner's *Request for Production of Documents, Set No. One*;
- Respondent produced 31 documents, served objections and refused to produce all responsive documents in response to the discovery;
- On 9/25/2013, Petitioner filed a *Motion for Order Compelling Responses to Provide Further Responses and for an Award of Monetary Sanctions*;
- The Court has yet to rule on Petitioner's *Motion*;
- Trial is set to commence on 3/11/2014 with an estimated 3 days of trial;
- Except for Petitioner's discovery motion, there are no other pending issues before the Court.

DOD: 2-28-06		<p>Marie E. Donaldson and Maynard E. Goins, Co-Executors, filed a "First and Final Accounting" on 3-29-12 that was set for hearing on 5-9-12.</p> <p>For hearing on 5-9-12, Examiner Notes indicated a number of issues, including:</p> <ul style="list-style-type: none"> That the document filed was not a proper accounting in compliance with Probate Code, and further that no waivers of account had been filed; That the estate had already been distributed in violation of Probate Code §§ 11620, 11640, Cal. Rules of Court 7.651; That it was not known if the appropriate actions were taken with regard to notice to creditors, agencies, etc., as required by law (the petition did not allege that any notice had occurred and no proof of service of notice of hearing was filed); That the document was only verified by one of the two petitioners and notice of hearing had not been served on the other; That an "Ex Parte Petition for Final Discharge and Order" had been submitted prematurely, as the co-executors cannot be discharged until the estate is closed pursuant to applicable law. <p>Minute Order from hearing on 5-9-12 states: The Court accepts counsel's representation and grants the petition. Order to be signed upon receipt of waivers.</p> <p>On 5-18-12, a "Waiver of Notice of Proposed Action" was filed; however, this does not appear to be an applicable form, and no proposed final order settling the estate was submitted.</p> <p>Examiner sent email and fax to Attorney Donaldson on 5-30-12 and again on 1-10-13.</p> <p>On 7-2-12, Mr. Donaldson appeared at the counter and stated he would submit an order; however, no order was submitted.</p> <p>At this time, a final order settling the estate is necessary based on the minute order of 5-9-12.</p>	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 11-15-13</u>
Cont. from 111513			<u>Minute Order 11-15-13: Counsel is directed to submit a new order.</u>
Aff.Sub.Wit.			<u>As of 1-22-14, nothing further has been submitted.</u>
Verified			1. Need final order.
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 1-22-14	
		Updates:	
		Recommendation:	
		File 2 – Goins	

DOD: 01/17/11		DEBORAH KAMINE , daughter, was appointed Executor with full IAEA authority and without bond on 05/12/11. Letter Testamentary were issued on 05/12/11.	NEEDS/PROBLEMS/COMMENTS: 1. Need Account/Report of Executor on Waiver of Account and Petition for Distribution <u>or</u> verified status report.
Cont. from		Inventory & Appraisal, final, filed 10/11/13 - \$198,712.13	
Aff.Sub.Wit.			
Verified		Minute Order from status hearing on 10/25/13 set this matter for status regarding filing the Account/Report of Executor on Waiver of Account and Petition for Distribution.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 01/21/14	
		Updates:	
		Recommendation:	
		File 3 – Blankenship	

Probate Status Hearing Re: Filing of First Account

		EDWARD J. CRABLE , through his parents, Mark Crable and Patricia Crable filed a petition to approve a Special Needs Trust for the benefit of Edward J. Crable.	NEEDS/PROBLEMS/COMMENTS: Continued from 12/6/13. Minute order states the court notes that Jay Jambeck failed to appear notwithstanding the notice that was sent to him on 5/2/13. The Court orders that Jay Jambeck to be personally present on 1/24/14 or appear by CourtCall if the first account is not filed by the next hearing. 1. Need first account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 120613			
<input type="checkbox"/>	Aff.Sub.Wit.	Order approving the Edward J. Crable Special Needs Trust and appointing Patricia Crable as Trustee with bond of \$11,000.00 was signed on 9/25/12.	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Bond of \$11,000.00 was filed on 12/3/12.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Notice of Status Hearing for the filing of the First Account was mailed to attorney Jay T. Jambeck on 5/2/13.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 1/22/14
Updates:
Recommendation:
File 4 - Crable

**Status Hearing Re: Status Report on Receipt of Assets into the Special Needs Trust;
and/or Filing of Receipt for Blocked Account; and/or Filing of the First Account of
the Special Needs Trust**

		<p>The Order establishing the JENNIFER ROBERTS SPECIAL NEEDS TRUST was filed 11/05/12 after a hearing on 10/31/13 in which the Court approved the establishment of the Trust. The Order specified that CHRISTINA ROBERTS, guardian of the minor, Jennifer Roberts, was appointed as the initial Trustee of the Trust and that all proceeds of the Trust were to be deposited into a blocked account.</p> <p>Minute Order from 10/31/12 set this matter for hearing on 12/20/13 regarding the receipt of funds into blocked account and/or filing of the first account. The minute order specified that the Trust estate is waiting on the outcome of the probate administration of the estate of Michael Roberts (Jennifer's father) of which Jennifer is a beneficiary and any proceeds from the estate are to be deposited into the Special Needs Trust.</p> <p>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 01/28/13.</p> <p>Inventory & Appraisal, partial no. 1 filed 02/14/13 - \$235,837.56</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 12/20/13</u></p> <ol style="list-style-type: none"> 1. Need status update regarding additional funds to be received/deposited into the Trust. 2. Need First Account. 3. Need Final Inventory & Appraisal. 				
Cont. from 122013							
Aff.Sub.Wit.							
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		<table border="1"> <tr> <td>Reviewed by: JF</td> </tr> <tr> <td>Reviewed on: 01/21/14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 5 – Roberts</td> </tr> </table>	Reviewed by: JF	Reviewed on: 01/21/14	Updates:	Recommendation:	File 5 – Roberts
Reviewed by: JF							
Reviewed on: 01/21/14							
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Recommendation:							
File 5 – Roberts							

DOD: 02/14/12	RICHARD DEWAYNE PHILLIPS , father, was appointed Administrator with Full IAEA and without bond on 12/04/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Minute Order from hearing on 12/04/12 set this matter for status regarding filing of the First Account and/or Petition for Final Distribution.	
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Status Report filed 01/14/14 states: On 04/15/13, Petitioner, in his capacity as personal representative of decedent's estate, filed a complaint against the County of Fresno and other defendants in United States District Court, Eastern District of California, alleging violation of the decedent's civil rights. The lawsuit is based on the fact that decedent was murdered while in custody of Fresno County and is ongoing. The complaint was filed by Anthony Boskovich, Esq. of the Law Office of Anthony Boskovich in association with the law firm of Bode & Grenier, LLP. On 06/11/13, the County of Fresno filed a Motion to Dismiss the lawsuit. On 12/03/13, the Court granted the Motion in part and denied the motion in part. On 12/31/13, Petitioner filed a First Amended Complaint against all defendants, including the County of Fresno. A trial in the matter has been set for 02/24/15 and is expected to last approximately 10 days. At this time, there are no assets in the Decedent's estate except for the causes of action currently being litigated in federal court. Petitioner requests the Court set a further status conference in April or May of 2014.	
	Reviewed by: JF	
	Reviewed on: 01/21/14	
	Updates:	
	Recommendation:	
	File 6 – Phillips	

DOD: 2/22/2013		<p>GREGORY C. SIMONIAN was appointed as Administrator with Will Annexed, with full IAEA authority and bond set at \$1,423,000.00 on 5/13/13.</p> <p>Letters issued on 5/15/13.</p> <p>Bond in the amount of \$1,423,000.00 was filed on 5/29/13.</p> <p>Inventory and Appraisal is now due.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 101813			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 1/22/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Rudy</p>			

DOD: 3-24-13		MICHAEL JOHN PEREZ was appointed Executor with Full IAEA without bond on 5-30-13. Letters issued on 6-4-13.	NEEDS/PROBLEMS/COMMENTS:
		On 5-30-13, the Court set this status hearing for the filing of the Inventory and Appraisal.	<u>Continued from 11-1-13</u> Minute Order 11-1-13: Mr. Garcia is appearing via CourtCall. The Court is advised that progress is being made. <u>As of 1-22-14, nothing further has been filed.</u> 1. Need Inventory and Appraisal per Probate Code §8800(b) or written status report pursuant to local rules.
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			Reviewed by: skc
			Reviewed on: 1-22-14
			Updates:
			Recommendation:
			File 8 – Perez

DOD: 11/26/2012	BETTY PHILLIPS and ROSE LEE LITTLE were appointed Executors with full IAEA and without bond on 6/11/2013.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 110813	Letters issued on 6/11/2013.	1. Need final inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.	Inventory and appraisal is now due.	
Verified		
Inventory	Minute order dated 6/11/2013 set this status hearing for the filing of the inventory and appraisal.	
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Video Receipt		
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Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 1/22/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 – Kiramidjian

Age:		NEEDS/PROBLEMS/COMMENTS:
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Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		OFF CALENDAR Final Inventory & Appraisal filed 01/17/14
		Reviewed by: JF
		Reviewed on: 01/21/14
		Updates:
		Recommendation:
		File 10 – Nguyen

Probate Status Hearing Re: First Accounting or Petition for Final Distributio

DOD: 12-3-11		<p>JAMES RAY WATKINS, Son, was appointed as Executor with Full IAEA without bond on 7-31-12.</p> <p>On 7-31-12, the Court set this status hearing for filing the first account or petition for final distribution.</p> <p>Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Petition For Final Distribution filed 1-15-14 is set for hearing on 2-25-14.</p>
Cont. from 100413, 122013			
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Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 1-22-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Watkins</p>	

DOD: 04/13/01		<p>SANDRA FINDLEY, daughter, was appointed Executor with full IAEA authority and without bond on 07/08/13. Letters were issued on 07/08/13.</p> <p>Notice of Status Hearing filed 11/08/13 set this matter for status regarding failure to file an Inventory & Appraisal and Failure to File a First Account and Petition for Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Sandra Findley on 11/08/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Accounting/Report on Waiver of Account and Petition for Final Distribution. 				
Cont. from							
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		<table border="1"> <tr><td>Reviewed by: JF</td></tr> <tr><td>Reviewed on: 01/21/14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 12 – Johnson</td></tr> </table>	Reviewed by: JF	Reviewed on: 01/21/14	Updates:	Recommendation:	File 12 – Johnson
Reviewed by: JF							
Reviewed on: 01/21/14							
Updates:							
Recommendation:							
File 12 – Johnson							

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 12/20/98		<p>EDNA OVERALL, daughter, was appointed as Executor without bond and with full IAEA authority on 09/02/03. Letters Testamentary were issued on 09/02/03.</p> <p>Inventory & Appraisal, final, filed 10/16/03 - \$93,295.05</p> <p>Notice of Status Hearing filed 11/08/13, set this matter for hearing regarding failure to file a First Account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Edna Overall 11/08/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting/Report of Executor on Waiver of Account and Petition for Final Distribution.</p>
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Status Rpt			
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Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/22/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Overall</p>	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 7/6/03		<p>PUBLIC ADMINISTRATOR was appointed successor Administrator Minute Order dated 4/7/05.</p> <p>Vickie Roe, was appointed Administrator with limited IAEA authority and bond set at \$10,000 on 10/28/03 and Letters issued.</p> <p>On 12/16/13 the court exonerated the bond and granted full IAEA authority.</p> <p>Minute order dated 2/3/05 former Administrator Vickie Roe indicated she has spent the remaining funds in the estate (\$49,890.70). On 4/7/05 Vickie Roe was removed and the Public Administrator was appointed.</p> <p>Notice of Status Hearing was sent to the Public Administrator on 11/8/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Petition to close the estate is set for hearing on 2/26/14.</p>
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Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 1/22/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Leonard</p>	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Petition to close the estate is set for 2/19/14.
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Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/22/14
		Updates:
		Recommendation:
		File 15 – Guerra

Age: 17		<p>PETER JEFFERY GARZA, SR., father, was appointed Guardian of the Estate on 11/29/12. The Order specified that all funds received were to be placed into a blocked account. Order to Deposit Money into Blocked Account was filed 11/29/12.</p> <p>Notice of Status Hearing filed 12/20/13 set this matter for a status hearing on 01/24/13 regarding failure to file receipt for blocked account. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Peter Jeffery Garza, Sr. on 12/20/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Receipt for the Deposit of Funds into blocked account <u>or</u> current written status report.</p>
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Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/21/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Garza</p>	